

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 6, 2006  
Tuesday, 9:09 A.M.

The City Council met in regular session with Vice-Mayor Gray in the Chair. Council Members Brewer, Gray, Martz, Schlapp, Skelton; present. Fearey and Mayor Mayans absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Phil Lamar, Chaplain at Via Christi St. Francis, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the May 23, 2006 meeting were approved 5 to 0.

## AWARDS AND PROCLAMATIONS

Proclamation

### Homeownership Month

Vice-Mayor Gray read aloud the Proclamation.

Presentation

### Distinguished Service Citations

Vice-Mayor Gray recognized and presented the following people a plaque for their commitment and years of service with the City of Wichita:

Roger Smith, William Hamilton and Michael Clevenger.

## PUBLIC AGENDA

### Paul A. Miller-Drinking water considerations.

Paul Miller

Mr. Miller stated that he resides at 420 Waverly and complimented the City of Wichita on the good water that they provide for their citizens. Stated that we have wonderful water and should appreciate what we have. Stated that people buy bottled water, which is shipped thousands of miles from the source and it is just plain water. Stated that our water cost 78 thousandths of a cent per gallon, which is what we pay for Wichita water and if you buy it in a bottle you will pay 10,000 times that much, which is more than gasoline. Stated that some of these empty bottles end up in the landfill and some end up in the streets and gutters littering the City. Stated that some of them get recycled, but Wichita does not have a comprehensive recycling program, so most of it becomes litter. Stated that he feels that we have something here that should be promoted. Stated that when people buy bottled water they do not realize that much of it is just tap water and if we have good tasting tap water, why do we pay 10,000 times as much for something that we do not need. Stated that we should be proud of our water and would like to see the City Council include an insert regarding our water, with the water bills so that the citizens would know how good our water is and to get them to reuse those empty water bottles. Stated that there is no reason to keep buying new bottled water and putting these empty bottles in the landfill. Stated that he would like the City Council to promote our product and try to see what we can do to reduce trash that is on our streets and in the landfill.

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## CONSENT AGENDA

Motion-- Vice-Mayor Gray moved to approve the Consent Agenda except for items 10e, which is being pulled and deferred until executive session for further discussion and items 16, 17, and 19, which have been pulled from the agenda. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 5, 2006.

Bids were opened June 2, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (448-90112/735295/470966) Does not affect existing traffic. (District II)

Mies Construction - \$110,509.00

Wichita Drainage Canal Phase 2 - along the Wichita Canal, south of K-1 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (Districts I, III)

Uretek USA Inc. - \$86,250.00

Lateral 39 Cowskin Interceptor Sewer to serve Highland Springs 3rd Addition - south of Central, west of 135th Street West. (468-83636/744183/480871) Does not affect existing traffic. (District V)

Duling Construction - \$104,816.00

Water Distribution System to serve Blue Sky Addition - north of Douglas, west of West Street. (448-90160/735309/470980) Does not affect existing traffic. (District IV)

Utilities Plus - \$9,794.10

Jade Avenue from the north line of the plat, south to the north line of Sunflower Drive; Sunflower Drive from the west line of Jade Avenue west to the east line of Cedardale Avenue; Cedardale Avenue from the north line of the plat, south and east to the west line of Jade Avenue; Jade Avenue from the south line of Cedardale Avenue north to the south line of Sunflower Drive; Sidewalk on Jade Avenue to serve Clifton Cove Addition - south of 63rd Street South, west of Clifton. (472-84227/765993/490110) Does not affect existing traffic. (District III)

Kansas Paving Company - \$342,872.19

2006 Contract Maintenance Ultrathin Asphalt Overlay - west of Rock Road, south of 21st Street North. (472-84378/132719/620447/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,VI)

Cornejo and Sons Construction - \$377,800.00 (Engineer's estimate)

2006 Contract Maintenance Asphalt Street Repairs & Natural Latex Modified Micro-Surfacing - west of Rock Road, south of 29th Street North. (472-84375 /132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV)

Ballou Construction - \$231,799.80 (Engineer's estimate)

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Motion--

Vice-Mayor Gray moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Asbestos Abatement for Demolition/Renovation.

Minority Contractors & Consultants Inc. - \$2,010.60\* (Group 1 total base bid)  
\$2,010.60\* (Group 2 total base bid)  
\$4,021.20 (Total net bid)

\*Estimate – Contract approved on unit cost basis.

Motion-

Vice-Mayor moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## LICENSE

### APPLICATION FOR LICENSE.

#### Renewal

Marvin Gehrke                      MG Management                      535 South St. Francis

Motion--

Vice-Mayor Gray moved that the license subject to Staff review and approval be approved. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Rui J. Wang	Fortune Cookie Restaurant*	620 South Holland Street

  

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Bich Jennifer Nguyen	Asian Market	1815 East Central
Jeffrey Soller	CVS/Pharmacy #8562	2323 North Amidon
Sandra Weidner	CVS/Pharmacy #8572	250 South Seneca
Sandra Weidner	CVS/Pharmacy #8574	4035 East Harry
Diana Wilson	Tri Bees Express	1925 West 21st Street North
Mark Branham	QuikTrip #313	3164South Hillside
Mark Branham	QuikTrip #320	1021 West 31st Street South
Mark Branham	QuikTrip #321	6011 West Central
Mark Branham	QuikTrip #325	1414 North Oliver
Mark Branham	QuikTrip #326	2010 South Broadway
Mark Branham	QuikTrip #328	2801 South Hydraulic
Mark Branham	QuikTrip #329	5602 East Harry
Mark Branham	QuikTrip #347	1532 South Seneca
Mark Branham	QuikTrip #349	1112 West Douglas
Mark Branham	QuikTrip #353	110 South Rock Road
Mark Branham	QuikTrip #356	4808 South Hydraulic
Mark Branham	QuikTrip #358	7120 West 21st Street North
Mark Branham	QuikTrip #360	3933 West 13th Street
Mark Branham	QuikTrip #366	1620 South Webb Road
Mark Branham	QuikTrip #368	626 West 21st Street North
Mark Branham	QuikTrip #369	3216 East Harry
Mark Branham	QuikTrip #372	3106 East Pawnee
Mark Branham	QuikTrip #373	1610 East Lincoln
Mark Branham	QuikTrip #374	10315 West 13th Street

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Mark Branham	QuikTrip #376	2106 South Rock Road
Mark Branham	QuikTrip #378	5611 South Broadway
Mark Branham	QuikTrip #383	11223 East Central
Mark Branham	QuikTrip #384	2510 West Pawnee
Mark Branham	QuikTrip #386	1010 East Douglas
Mark Branham	QuikTrip #388	7991 East 27th Street North
Mark Branham	QuikTrip #389	4730 East Central
Mark Branham	QuikTrip #391	730 North Broadway

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
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Dana Wilson	Tri Bees Express	1925 West 21st Street North
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Vice-Mayor Gray moved that the licenses be approved subject to Staff review and approval. Motion carried 5 to 0, (Fearey and Mayans absent).

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Cost of construction of Bridlewood, Bridlewood Court to serve Reed's Cove Addition - south of 21st, east of 127th Street East. (472-84238/765952/490-065) (District II) – Total Estimated Cost \$138,240
- b) Cost of construction of Killenwood Court to serve Killenwood Point Addition (south of 13th Street North, east of Greenwich) (472-83269/765884/490-995) (District II). – Total Estimated Cost \$137,000
- c) 29th Street Water Line, from 135th Street West to 119th Street West (448-89799/633765/753905) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$750,000
- d) Hollywood from the north line of K-42 Drive north and west to the west line of Lot 18, Block C; 35th Street South from the northeast line of Hollywood, north to the south line of Lot 31, Block A; Sidewalk on one side of Hollywood and 35th Street South to serve Harvest Ridge Addition - north of K-42, west of Maize. (472-83805/765894/490101) Does not affect existing traffic. (District V) - \$380,000
- e) Lateral 50 Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (468-84090/744182/480870) Does not affect existing traffic. (District V) - \$351,000

Motion--carried

Vice-Mayor Gray moved that the file be received. Motion carried 5 to 0, (Fearey and Mayans absent).

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## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### LEGACY PARK

#### CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN LEGACY PARK WILSON ESTATES THIRD ADDITION, SOUTH OF 21ST STREET, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 06-0552

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide paving, sanitary sewer and water improvements within a residential development located south of 21st, west of Webb.

The Petition totals \$321,000. The funding source is special assessments.

This project addresses the Ensure Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer and water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

#### RESOLUTION NO. 06-330

Resolution of findings of advisability and resolution authorizing constructing pavement on Wilson Estates Court from the north line of Wilson Estates Parkway to and including the cul-de-sac serving Lots 1 through 12, Block 1, Legacy Park Wilson Estates Third addition 472-84404, Water Distribution No. 448-90191 and Lateral 89, Main 22, War Industries Sewer 468-84181 (south of 21<sup>st</sup> Street, West of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey a and Mayans absent).

#### CASA BELLA

#### CONSTRUCT A WATER DISTRIBUTION SYSTEM IN CASA BELLA ADDITION, NORTH OF PAWNEE, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0553

On December 20, 2005, the City Council approved a Petition to construct a water distribution system in Casa Bella Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Pawnee, west of 127th St. East.

The existing Petition totals \$99,000 with \$83,150 assessed to the improvement district and \$15,850 paid by the Water Utility. The new Petition totals \$162,000 with \$107,000 assessed to the improvement district and \$55,000 paid by the Water Utility. The Utility share is for the cost of over sizing the pipe to serve future development outside of the improvement district.

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This project will address the Ensure Efficient Infrastructure goal by providing municipal water service necessary for a new residential development. It will also address the Promote Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Vice-Mayor Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans).

## RESOLUTION NO. 06-331

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90112 (north of Pawnee, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## DEEDS/ESMNTS

### DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated May 23, 2006 from Larry J. Standiford and Roger D. Standiford over a tract of land lying over a portion of Lots 5 through 14, McCarty's Addition to Wichita, Kansas, and (OCA # 620454).
- b) Water Line Easement dated May 15, 2006 from Kenneth C. Doonan over a tract of land lying over a portion of Lot 1, Block 1, Doonan Plaza II, an addition to Sedgwick County, Kansas (OCA# 607853).

Motion--carried

Vice-Mayor Gray moved that the documents be accepted. Motion carried 5 to 0, (Fearey and Mayans absent).

## STATEMENT COSTS

### STATEMENT OF COST:

- a) (First Partial) Estimate of Cost for the Eastbank Development/Water Walk Project - \$8,975,000; less financing previously issued - \$0. Financing to be issued at this time - \$8,975,000. (792382/435-352).

Motion--carried

Vice-Mayor Gray moved that the file be approved. Motion carried 5 to 0, (Fearey and Mayans absent).

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

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## EQUUS BEDS

### EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE ONE-SUPPLEMENTAL.

Agenda Report No. 06-0554

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

Nov. 5, 2002, City Council approved Supplemental Agreement No. 1 for additional archeological services necessary to evaluate the impact of the discovery of a prehistoric artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

July 12, 2005, City Council Approved Supplemental Agreement No. 6 that included services to conduct a full scale aquifer test at one of the proposed diversion well sites, and Supplemental Agreement No. 7 that included engineering services to upgrade the electrical system in the Equus Beds Wellfield.

November 1, 2005, City Council approved Supplemental Agreement No. 8 to build a full scale well and perform pump tests at a diversion site with an appropriation from the state.

December 6, 2005, City Council approved Supplemental Agreement No. 9 to design a river intake and a powdered activated carbon feed facility.

On February 28, 2006, City Council approved Supplemental Agreement No. 10 to provide for the construction and testing of two diversion wells and No. 11 for construction related services, excluding on-site inspection services.

This phase of the Equus Beds Aquifer Storage and Recovery Project includes a Design/Build project to construct a 7 million gallon-per-day surface water treatment plant. As design work was being done, it was recognized that significant savings in the construction of the treatment plant could be achieved if the recharge facilities using surface water could be separated from the facilities using diversion well water. The savings would be realized through the use of an additional water line. Supplemental Agreement No. 12 with Burns & McDonnell Engineering is for the additional design services for the water line, as well as minor design changes required for the project.

The cost for the additional engineering services associated with Supplemental Agreement No. 12 will not exceed \$60,644. The addition of the water line would add approximately \$1 million to the cost of the project, but reduce the cost of the surface water treatment plant project by approximately \$3.5 million. Funding for this project is included in CIP W-549, Water Supply Plan Phase III, which has available funding of over \$25 million in 2006.

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This will ensure efficient infrastructure by providing reliable, compliant and secure utilities.

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## EASEMENT

### **EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)**

Agenda Report No. 06-0555

The Agreement allows Sawmill Creek LLC, Evertt Long, Manager; Harry J. & Sondra D. George, and Jon D. & Cindy C. Darnell to occupy and construct, improvements on, over, and across a platted 22 foot utility easement described as the south 22-feet of Lot 1, lot 8, Lot 9, Lot 10, Block 4, Sawmill Creek Addition and the southeast 22 feet of Lots 11 through 21, Block 4, Sawmill Creek Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a concrete masonry wall in above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

This Easement Encroachment Agreement is necessary to ensure efficient sanitary sewer infrastructure and to provide reliable, compliant and secure sanitary sewer service to all City customers.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## THE MOORINGS

### **RESPREAD ASSESSMENTS-THE MOORINGS SOUTH ADDITION, WEST OF MERIDIAN, NORTH OF K-96. (DISTRICT VI)**

Agenda Report No. 06-0556

The landowner, CBB Northlakes, LLC, platted The Moorings South Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a public sanitary sewer improvement project. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvement.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).



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## REED'S COVE

### RESPREAD ASSESSMENTS-REED COMMERCIAL, REED'S COVE THIRD AND FOURTH ADDITIONS, SOUTH OF 21<sup>ST</sup> STREET NORTH, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0557

The landowners, 21/127, L.C.; Nies Homes, Inc.; Ritchie Building Company, Inc.; Ink Residential Group, LLC; Robl Construction, Inc.; and Ann M. Ross, platted Reed's Cove 4th Addition and have submitted an Agreement to respread special assessments within Reed Commercial, Reed's Cove 3rd and 4th Additions.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments within the improvement district, therefore, more fairly distributing the cost of the improvements.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## 119<sup>TH</sup> STREET

### PAWNEE FROM 119TH STREET TO MAIZE ROAD. (DISTRICT V)-SUPPLEMENTAL.

Agenda Report No. 06-0559

On May 2, 2004, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for designing Pawnee from 119th Street West to Maize Road. The fee was \$181,600. The original drainage concept for paving Pawnee was to drain to the pavement to an existing drainage system in Maize Road. During the concept stage of design, it was determined that the existing drainage system was of limited capacity and that this concept was not possible. On December 13, 2005, the City Council approved Supplemental No. 1 and revised the original concept to extend the new storm sewer to Cowskin Creek within Pawnee Prairie Park. The fee was \$59,000.

Residents of Rutledge and Prescott have petitioned for a storm water sewer system to reduce neighborhood flooding resulting from poor backyard drainage. The Pawnee paving project plans to construct a major drainage system that will be able to serve the proposed storm water sewer system, petitioned by the Rutledge/Prescott residents.

Since Poe is designing the Pawnee street project; they are the logical firm to design the Rutledge/Prescott system. Payment to Poe will be on a lump sum basis of \$4,989 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide a viable transportation system for the community. It also addresses the Economic Vitality and Affordable Living goal by providing a public improvement critical for the private sector's development of the surrounding area.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

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## INTERCHANGE

### KELLOGG AND ROCK ROAD INTERCHANGE. (DISTRICT II)-SUPPLEMENTAL.

Agenda Report No. 06-0560

On June 10, 1997, the City entered into an Agreement with CF&S to begin preliminary design for East Kellogg, from Edgemoor to 127th Street East. On May 8, 2001, the City entered into an agreement with CF&S to prepare construction plans for the Kellogg and Rock Road Interchange, which include all construction from west of Armour to near the Kansas Turnpike.

On April 2, 2002, the City Council adopted Ordinance 45-294, which authorizes construction and provides funding for the project.

The project design is nearing completion, and substantial amounts of right-of-way have been acquired. Originally, the Kellogg and Rock Road project was designed to be constructed as one large contract. Because of the time required to purchase and clear the right-of-way at various locations, the project has been divided into several smaller projects, which utilizes the right-of-way that has been acquired.

The agreement, dated June 10, 1997, with CF&S, provides that CF&S when authorized by Supplemental Agreement, will perform construction inspection and administration services. On January 11, 2000, Supplemental Agreement No. 1 was approved for CF&S to prepare final plans, specifications and estimates for the section of Kellogg from Sylvan Lane to 0.5 miles east of Woodlawn, known as the Woodlawn Interchange. On May 14, 2000, CF&S was given the Notice to Proceed with final plan preparation of the Kellogg & Rock Road Interchange in accordance with Supplemental Agreement No. 2. On September 17, 2002, Supplemental Agreement No. 3 was approved for CF&S to provide construction inspection and administration for the section the Woodlawn Interchange. On December 2, 2003, the City approved Supplemental Agreement No. 4 for construction inspection and administration of box culverts at Armour Road and Gypsum Creek, the Rock Road Pump Station, the northeast frontage road, and the Armour Road intersection of north of Kellogg. On April 19, 2005 Supplemental Agreement No. 5 was approved to provide construction and administration for all remaining work east to the Kansas Turnpike Authority (K.T.A.) and Kellogg and Rock Road Interchange.

Proposed Supplemental Agreement No. 6 will provide design and construction services for Heather and Bonnie Brae; Signalized entrances at Towne East Mall, Eastgate Shopping Center and Holiday Inn Select motel on Rock; extending Rock farther North to relocate the Towne East Mall entrance; underground electrical transmission line; public art and letting portions of the project as separate contracts. It will provide for assistance with right-of-way acquisition and utility coordination from West of Armour to East of KTA. It will also provide for additional construction inspection resulting from unusual weather and utility delays during construction of the Woodlawn interchange. The anticipated start date for construction of the Kellogg/Rock interchange is September 2006,

Payment to CF&S will be on a cost plus fixed fee in amount not to exceed \$321,715.96. The total project cost for the Kellogg & Rock Road Interchange is estimated at \$105 million. The State of Kansas will contribute \$35,690,000 to assist with project construction. The balance of the funding will be provided by the City through the issuance of General Obligation Sales Tax Bonds with debt service payable from the annual proceeds of the local sales tax.

This agreement addresses the Efficient Infrastructure goal by providing the engineering need to provide a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement, which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

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## **CENTRAL/OLIVER      CENTRAL FROM OLIVER TO WEST OF WOODLAWN. (DISTRICTS I AND II)- SUPPLEMENTAL.**

Agenda Report No. 06-0561

On July 1, 2003, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to Central from Oliver to west of Woodlawn. The fee was \$113,500. On January 17, 2006, the City Council approved Supplemental No. 1 to include the intersections of Central & Oliver and Central & Edgemoor. The fee was \$78,500.

The Water Department has asked MKEC to design plans for water and sewer replacement associated with the intersection of Central and Oliver. Supplemental Agreement No. 2 has been prepared to authorize the additional design services.

Payment to MKEC for the Supplemental Agreement will be made on a lump sum basis of \$6,750, and will be paid by Water and Sewer revenues.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide a viable transportation system for the community.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## **HILLSIDE      HILLSIDE FROM KELLOGG TO CENTRAL. (DISTRICT VI)-SUPPLEMENTAL.**

Agenda Report No. 06-0562

On April 17, 2001, the City entered into an Agreement with Baughman Company, P.A. for designing improvements to Hillside from Kellogg to Central. The fee was \$196,000. The project was on hold for over 2 years due to difficulties with right-of-way condemnations. Further revisions to the plans were necessary to reduce or minimize additional right-of-way acquisitions. On February 7, 2006, the City Council approved Supplemental No. 1 for additional funds needed to cover costs and overhead to complete this project. The fee was \$17,325.

As the design of this project has progressed, staff now feels that left turn lanes at the inter-section of Douglas and Hillside should be added to the project scope. Supplemental Agreement No. 3 has been prepared to authorize the additional funding.

Payment to Baughman for the Supplemental Agreement will be made on a lump sum basis of \$27,400, and will be paid by General Obligations Bonds.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide a viable transportation system for the community.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

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## **LINK AGREEMENT     CONNECTING LINK AGREEMENT FOR STATE AND FEDERAL HIGHWAYS.**

Agenda Report No. 06-0563

Sections of federal and state highways within the City limits of Wichita are designated as Connecting Links by the Kansas Secretary of Transportation. These Connecting Links include the Interstate Routes (I-135, I-235 and I-35), Federal Highways (US 54, US 81 and US 400), and State Highways (K-2/42, K-15, K-96 and K-254).

Kansas Statutes provide that the Secretary of Transportation shall be responsible for maintenance of all fully access controlled (freeway) connecting links. The statutes also authorize the Secretary to enter into agreements with cities for the maintenance of other connecting links. If the Secretary does not maintain the connecting link, the City shall be reimbursed \$3,000 per lane mile for all connecting link mileage within the City limits.

Because of the recent completion of improvements to Kellogg from one-half west of Maize to Holland Street, east of Tyler full access control is now provided for this section of US 54 and US 400. As a result, Kansas Department of Transportation (KDOT) will assume the maintenance responsibility for this roadway. The total mileage that the City is responsible for maintaining will be reduced from 43.525 to 35.298 lane miles.

The Connecting Links that the City will continue to maintain include:

Kellogg (US 54/400) – 119th St. W. to ½ mile west of Maize Road

Edgemoor to east City limits

Broadway/47th St. S. (US 81) – 55th St. S. to 47th St. S., then east to I-135

Southwest Boulevard (K2/42) – Hoover Road to US 54

Southeast Boulevard (K-15) – Kansas Turnpike to I-135

The City is reimbursed for maintenance expenditures at the rate of \$3,000 per lane mile, which is a continuation of the \$3,000 per lane mile from the existing agreement. The decrease of the number lane miles results in a proportionate decrease in the reimbursement. Total reimbursement to the City will decrease from \$125,568 to \$105,894.

This Agreement addresses the Efficient Infrastructure goal by providing funding for maintenance of a vital vehicular transportation route.

The agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Connecting Link Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## **AUBURN HILLS**

### **CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 06-0564

The City Council approved the storm water drainage improvements in Auburn Hills 16th Addition on November 1, 2005. On April 6, 2006 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

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Payment to Baughman will be on a lump sum basis of \$34,000 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## OLIVER

### OLIVER FROM HARRY TO KELLOGG. (DISTRICT III)-SUPPLEMENTAL.

Agenda Report No. 06-0565

On May 11, 2004, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to Oliver from Harry to Kellogg. The fee was \$118,600. On August 9, 2005, the City Council approved Supplemental No. 1 to include the intersection of Oliver and Harry. The fee was \$79,191.

The Water Department has asked MKEC to design plans for sanitary sewer improvements in Harry associated with the improvements of Oliver from Harry to Kellogg. Supplemental Agreement No. 2 has been prepared to authorize the additional design services.

Payment to MKEC for the Supplemental Agreement will be made on a lump sum basis of \$4,600, and will be paid by Water and Sewer revenues.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide a viable transportation system for the community.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## IRRIGATION SYS.

### IRRIGATION SYSTEMS. (DISTRICTS I AND V)

Agenda Report No. 06-0566

On March 21, 2006, City Council approved the initiation of the 2005 and 2006 Capital Improvement Program general obligation funding for irrigation systems. Since that time, the Park Department has developed a Request for Proposal (RFP) to select a company that is best qualified to provide upgrade, replacement and installation of the central irrigation control system for the Kellogg Corridor from Maize to Oliver. The current irrigation control system is outdated and is in need of replacement.

On April 4, 2006 the City received five proposals from four companies. The Staff Screening and Selection Committee (SSSC) met on April 27, 2006 and short listed the firms of Lawn Sprinkler Services and one other vendor and invited each firm to present their proposals to the SSSC on May 12, 2006. The SSSC selected the firm of Lawn Sprinkler Services based on price, service support, training for city staff, and product design, construction, and capabilities.

The 2005 and 2006 Park CIP includes \$200,000 each year (\$400,000 total) for irrigation systems. The funding source is general obligation bonds.

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The extensive Kellogg irrigation system and the landscape improvements that this system supports help to create a green corridor into the core area and many neighborhoods.

The Law Department has approved the contract as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the contract be approved and the necessary signatures authorized  
Motion carried 5 to 0, (Fearey and Mayans absent).

## PLAYGROUND

### PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS I, III, IV AND VI)

Agenda Report No. 06-0567

On September 13, 2005, City Council approved the initiation of the 2005 and 2006 Capital Improvement Program general obligation funding for renovating and replacing playground equipment at North Woodland, Evergreen, Schell, Cessna, Osage, Fairmount and Central Riverside Parks. Since that time, the Park Department has developed a Request for Proposal (RFP) to select companies that are best qualified to provide design build playground improvements.

On March 8, 2005 City Council approved Community Development Block Grant (CDBG) Neighborhood Stabilization funding in the amount of \$15,000 for North Woodland Park and \$71,914 for Evergreen Park playground renovations. On March 21, 2006 City Council approved Community Development Block Grant (CDBG) Neighborhood Stabilization funding in the amount of \$45,000 for Cessna Park playground improvements and \$50,000 for North Woodland Park playground rubber surfacing.

On February 24th, 2006 the City received proposals from four companies. The Staff Screening and Selection Committee (SSSC) met on March 10, 2006 and short listed the firms of Athco, Inc., Suburban Landscape Management, and one other company and invited each firm to present their proposals to the SSSC on March 29th, 2006. The SSSC selected the firms of Athco and Suburban Landscape Management based on the specific merits of their proposals as they related to each individual park playground site. The selection of rubber surfacing projects for Fairmount and Osage Parks were based solely on lowest proposal price, noting that each short-listed company had excellent past product and installation performance with rubber safety surfacing.

Park staff presented the playground plans to El Pueblo Neighborhood Association on April 18, District Advisory Board VI on May 1, and Riverside Citizens Association on May 9 and is scheduled to present to District Advisory Board III on June 7. Citizens and District Advisory Board members provided suggestions and some of those will be incorporated into the playground improvements.

Investments in North Woodland, Evergreen and Cessna Parks will be to replace the concrete play features that were removed earlier in 2005. Schell Park will receive a new playground system in accordance with the 1999 Master Plan created for this park. The swing set areas at Osage and Fairmount Parks will receive rubberized poured-in-place safety surfacing to replace the sand safety surfacing. Central Riverside Park will include complete renovation by removing the very old playground features and replacing them with a new playground system with rubber surfacing.

The 2005 and 2006 Park CIP includes \$200,000 each year (\$400,000 total) for renovating playgrounds and replacing playground equipment. The funding source is general obligation bonds. Additional CDBG Neighborhood Stabilization funding has been provided for Cessna, North Woodland, and Evergreen Parks.

Playground improvements in the seven parks will help to support a dynamic core area and vibrant neighborhoods. The replacement of deteriorating playground equipment and installation of rubber safety surfacing will increase a sense of community, neighborhood involvement and satisfaction.

The Law Department has approved the contracts as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the contracts be approved and the necessary signatures authorized.  
Motion carried 5 to 0, (Fearey and Mayans absent).

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## TIMBERLANDS

### THE TIMBERLANDS ADDITION, NORTH OF HARRY, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0568

The City Council approved the water distribution system, sanitary sewer and paving improvements in The Timberlands Addition on November 1, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in The Timberlands Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$18,400 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving, sanitary sewer, drainage and water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the agreement be approved and the necessary signatures authorized.  
Motion carried 5 to 0, (Fearey and Mayans absent).

## KRUG NORTH

### KRUG NORTH, KRUG NORTH SECOND AND EAST SIDE COMMUNITY CHURCH SECOND ADDITIONS, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 06-0569

The City Council approved the water distribution system improvements in Krug North, Krug North 2nd and East Side Community Church 2nd Additions on April 13, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system in Krug North, Krug North 2nd and East Side Community Church 2nd Additions. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$10,300 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 5 to 0, (Fearey and Mayans absent).

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## **HIGHLAND SPRNGS    HIGHLAND SPRINGS THIRD ADDITION, WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (DISTRICT V)**

Agenda Report No. 06-0570

The City Council approved the water distribution system, sanitary sewer and paving improvements in Highland Springs 3rd Addition on May 20, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Highland Springs 3rd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$45,500 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 5 to 0, (Fearey and Mayans absent).

## **FALCON FALLS    FALCON FALLS THIRD ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)**

Agenda Report No. 06-0571

The City Council approved the water distribution system, sanitary sewer and storm water improvements in Falcon Falls 3rd Addition on November 8, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and storm water in Falcon Falls 3rd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$31,200 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of sanitary sewer, drainage and water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 5 to 0, (Fearey and Mayans absent).



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## CLIFTON COVE

### CLIFTON COVE ADDITION, SOUTH OF 63RD STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)

Agenda Report No. 06-0572

The City Council approved the water distribution system and storm drainage improvements in Clifton Cove Addition on November 15, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system and storm drainage in Clifton Cove Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$66,600 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and storm drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## AUBURN HILLS

### AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)

Agenda Report No. 06-0573

The City Council approved the water distribution system and sanitary sewer improvements in Auburn Hills 16th Addition on March 21, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system and sanitary sewer in Auburn Hills 16th Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$36,900 and will be paid by special assessments.

This agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of sanitary sewer and water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Vice-Mayor Gray moved that the agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

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**PROPERTY ACQ.      515 SOUTH WEBB ROAD FOR THE EAST KELLOGG IMPROVEMENT PROJECT.**  
**(DISTRICT II)**

Agenda Report No. 06-0574

In October 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg to K-96. Opportunity purchases occur when a property that will be required for a future project is offered for sale on the open market. The Clubhouse Inn at 515 South Webb Road is one such property. The planned expansion of Kellogg will require the northerly portion of the site, including part of the building. The facility is a 120-unit limited service motel located on a 2.76-acre site.

The property was listed for sale for \$4,250,000. The City had the property appraised and the appraiser valued the property at \$3,200,000. The owner has agreed to sell the facility with all furniture, fixtures and equipment, to the City for \$3,300,000. Clubhouse Inn has agreed to allow the continued use of the franchise at the current fee rate of 3% of revenues. Prism Hospitality will manage the property for \$5,500 per month. The transfer of ownership will not affect day-to-day operations of the facility. The property will be operated as a lodging facility and revenue collected by the City until such time as the property is needed for the highway project.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$3,400,000 is requested. This includes \$3,300,000 for the acquisition, and \$100,000 for closing costs; license and franchise transfer costs, account start up costs, surveys and title insurance.

Ensure efficient infrastructure by developing and maintaining dependable transportation systems.

The Law Department has approved the contracts as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the budget, the real estate purchase contract, the management agreement and the lease agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

**PROPERTY ACQ.      PARTIAL ACQUISITION OF LAND FOR RIGHT-OF-WAY AT 7717 WEST 37TH STREET**  
**NORTH. (DISTRICT V)**

Agenda Report No. 06-0575

In January 2006, staff was instructed to pursue acquisition of several tracts of land for roadway and storm water drainage improvements along West 37th Street between Ridge Road and Tyler Road. There are five tracts required for the project. These are strip acquisitions along the north line of three residentially zoned parcels and two commercially zoned parcels. The owners of the commercial parcels have agreed to donate the necessary right-of-way and easements. On April 25, 2006 the City Council approved acquisition of the residential properties through eminent domain and staff was instructed to continue the negotiations. This particular tract impacted by the project is approximately 18.6 acres of vacant agricultural land along the south side of 37th Street, west of 7817 West 37th Street. A strip containing 23,105.1 square feet is required.

The agricultural tract was appraised at \$10,300 (\$.315 per square foot). The owner presented comparable sales supporting up to \$1.00 per square foot. The owner has agreed to sell the 23,105 square foot strip for \$23,105 or \$1.00 per square foot.

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A budget of \$23,905 is requested for the acquisition. This amount includes \$23,105 for the acquisition and \$800 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the Real Estate Purchase Contract and the budget be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## 2005 CAFR

### 2005 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Agenda Report No. 06-0577

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report (CAFR) and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2005.

For the third year, the 2005 CAFR incorporates the specific requirements of the water and sewer revenue bond covenants, eliminating the necessity of a separate publication by the Water and Sewer Department.

The City's Comprehensive Annual Financial Report is designed to provide information needed by interested parties to gain an understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2005, and the results of its operations and the cash flows of its business-type activities and component unit in conformity with generally accepted accounting principles. The Wichita Public Building Commission is considered a component unit and has been appropriately reflected in the financial statements as part of the financial reporting entity.

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 2004. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. The 2004 award represents the 32nd consecutive year in which the City has earned this award. Staff believes that the 2005 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

The 2005 CAFR reports the financial status of the City's funds as of December 31, 2005.

The Internal Perspective is advanced with the 2005 Comprehensive Annual Financial Report, and the opinion and reports of the independent auditors, by fairly reporting the financial condition of the City to the City Council, the Citizens of Wichita, and to investors. In addition, the report demonstrates legal and budgetary compliance with applicable laws and ordinances for report year.

Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Motion--  
--carried

Vice-Mayor Gray moved that the 2005 Comprehensive Annual Financial Report and the Independent Accountants' report regarding internal control and compliance with administration of major federal programs for the year ended December 31, 2005 be received and filed. Motion carried 5 to 0, (Fearey and Mayans absent).

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MOU

## MEMORANDUM OF UNDERSTANDING WITH BREAKTHROUGH CLUB.

Agenda Report No. 06-0579

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access has provided 506,603 rides. By entering into an interagency agreement with the Breakthrough Club, Wichita Transit estimates 1,000 more rides a year to low-income workers. This is the standard Memorandum of Understanding that we use with agencies that want to purchase rides through the Access program.

Part of the Access to Jobs grant is to provide half the cost of the rides that agencies offer low-income clients when they are trying to enter or re-enter the work force. The other half of those expenses are borne by the agency.

The Access to Jobs rides will be purchased with grants from FTA (50%) and from the Breakthrough Club (50%). No city funds will be involved in the Access rides. The Finance Department has approved the MOU.

The MOU impacts the goal, "Ensure Efficient Infrastructure." It impacts the indicator "Maintain safe and dependable transportation systems." Entering into this MOU, will allow us to transport more low-income clients to work and back in a safe, cost effective and dependable manner.

The City's Law Department has approved the MOU prior to execution as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the Memorandum of Understanding be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## **OLD TOWN CENTER TRUSTEE REQUEST TO SELL IRB PROPERTY, SERIES VII, 1997 AND XII, 1999, OLD TOWN CENTER. (DISTRICT VI)**

Agenda Report No. 06-0580

In 1997 and 1999, the City of Wichita issued separate series of Taxable Industrial Revenue Bonds (Series VII-a and VII-B, 1997 and Series XII, 1999) to finance acquisition and renovation of the old Maasco Building, to be operated as the Old Town Center office building. All of the bonds went into default, and the Trustee filed a court action in 2004 to obtain possession of the property. Pursuant to court order, the Trustee obtained possession and has been attempting to sell the property for the benefit of the Bondholders.

The Trustee has now signed a conditional contract to sell the property to Remington Commercial Advisors, LLC, contingent upon a favorable Bondholder poll, and approval by the District Court and the City of Wichita. The Trustee has until June 12, 2006 to obtain the approvals, which necessitated setting this item on the instant City Council agenda. Because the result of the Bondholder poll and the request for court approval were not yet known as of the date the agenda report was due, the City approval is framed as conditional upon the approval by Bondholders (usually determined by a the holders of a majority of the Bonds, by principal amount) and the District Court.

The Trustee in its professional fiduciary opinion believes that the sale (which, at \$2,100,000 is near a 2002 appraised value of the property) represents the best hope of any further recovery for the holders of the defaulted Bonds.

Costs of the sale will be covered from the sales proceeds, and hence, it will be without financial cost to the City.

Economic Vitality and Quality of Life. Cooperating with the Trustee to assist Bondholder recovery in a defaulted IRB issue is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

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The City Attorney's Office has reviewed and approved the forms of the Special Warranty Deed, Quitclaim Bill of Sale and Assignment of Leases. The Trustee is bound by the powers and duties specified in the Indenture, and is under a fiduciary duty to manage and dispose of trust property in accordance with the best interests of the Bondholders. In view of the sale price that will be realized through the sale recommended by the Trustee, and the Trustee's decision to hold the sale only if the Trustee's recommendation is approved by a favorable Bondholder poll and by the Court, the City's approval of the proposed sale, subject to these same conditions, is lawful and appropriate.

Motion--

Vice-Mayor Gray moved that the Resolution conditionally approving the Trustee's request to sell property and the execution and delivery of a Special Warranty Deed, Quitclaim Bill of Sale and Assignment of Leases substantially in accordance with the forms attached to the Resolution as exhibits, and also conditionally approving the execution and delivery of any further documents reasonably necessary to accomplish the sale as requested by the Trustee be adopted. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## RESOLUTION NO. 06-333

A Resolution approving the request of Central Bank & Trust Co. ("Trustee"), to convey certain properties to Remington Commercial Advisors, LLC, approving the execution and delivery of a Special Warranty Deed, Quit Claim Bill of Sale and Assignment of Leases, and approving the execution and delivery of any further documents reasonably necessary to accomplish the sale as requested by the trustee, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

MAGDELLAN

## SALE OF FORMER MAGDELLAN SCHOOL, 6355 WILLOWBROOK. (DISTRICT II)

Agenda Report No. 06-0583

The City acquired the Church of the Magdellan as part of the Kellogg/Woodlawn improvement project. The church proper was removed for the project and the south part of the site utilized for highway right of way. The remainder contains approximately 4.26 acres and is developed with the former rectory building and a 55,110 square foot building that formerly housed Magdellan School.

The property was marketed on the Internet and through information sent to the real estate community. Several proposals were received. After negotiating with the various buyers, Heartland Community Church was selected as the buyer based on use and offer price. Heartland has offered \$400,000 for the property. They intend to use the facility as a church and school. There is a tenant leasing currently leasing a portion of the school. Heartland has agreed to assume the lease and continue the tenancy for the term of the lease.

The City will receive cash consideration for the sale of the property and the City will be relieved of maintenance responsibility.

The proposed sale insures efficient infrastructure by optimizing public assets. As this parcel is surplus to the City's needs, the sale will provide a return of a portion of the City's investment.

The Law Department approved the contract as to form.

Motion--

Vice-Mayor Gray moved that the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

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## MIP RESOLUTION

### MUNICIPAL INVESTMENT POOL RESOLUTION UPDATING AUTHORIZATIONS.

Agenda Report No. 06-0586

State law, City ordinance and the City's investment policy govern the investment of City funds. The existing investment policy was approved by the City Council in December 2005 and authorizes the option of investing up to 10% of the City's investment portfolio in the State's Municipal Investment Pool (MIP). The City Council authorized the City's participation in the MIP through resolution 04-410 in August 2004.

Authorized staff has changed and there is a need to submit an updated list of employees authorized to execute transactions for the Municipal Investment Pool.

There is no direct cost to the City for utilizing the Municipal Investment Pool. Interest earnings are distributed monthly and are net of a 25 basis point fee. The City uses the Municipal Investment Pool as a method to invest idle funds on a short-term basis and as needed for liquidity. Funds can be withdrawn from the MIP on demand with same day notification prior to 10:00 a.m., as needed for cash flow purposes.

The action will impact the Internal Perspective and allows continuation of the City's participation in the MIP and results in increased returns on the investment of short-term idle funds.

The resolution has been approved as to form by the Law Department.

Motion--

Vice-Mayor Gray moved that the resolution updating the list of individuals authorized to execute investment transactions within the Municipal Investment Pool be adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

### RESOLUTION NO. 06-334

A Resolution approving the establishment of an account in its name in the MIP for the purpose of transmitting funds for investment, subject to the MIP Participation Policy adopted by the Pooled Monday Investment Board, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## EQUUS BEDS

### EQUUS BEDS RECHARGE PROJECT-JOINT FUNDING AGREEMENT WITH U.S.G.S.

Agenda Report No. 06-0587

On September 9, 1997, the City Council approved a Joint Funding Agreement with the United States Department of Interior, Geological Survey (USGS). The Agreement allows the USGS to assist the City in collecting and analyzing water samples needed to monitor the success and effects of the Equus Beds Recharge Demonstration Project. Subsequent agreements in 2000 and 2005 extended the services of the USGS to assist the City in water quality sampling and analysis. USGS has worked with the City in the past to help monitor the impacts of recharging the aquifer, and has offered a Joint Funding Agreement to help participate in this phase of the project.

On January 31, 2006, the Kansas Department of Health and Environment issued a Class V permit for the first phase of the Equus Beds Aquifer Storage and Recovery Project. The Equus Beds Aquifer Storage and Recovery Project (ASR) is the first of its kind in Kansas; thus, regulatory agencies have imposed extensive monitoring protocols to assure that the recharge activities do not have a negative impact on the aquifer. The Class V permit includes a monitoring program for the source water used to recharge the aquifer as well as a monitoring program that uses wells located near each recharge site. Thirty (30) monitoring wells are required, as well as collecting samples from domestic wells near the project area.

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The Class V permit requires the City to monitor all sites prior to beginning recharge activities, then a quarterly monitoring program the first year, a semi-annual monitoring program in the second year and an annual monitoring the third year. It is anticipated that if the monitoring program shows the project to be safe, monitoring requirements in future phases will be less intense.

Cost for the program through fiscal year 2009 is \$844,414. The City will pay \$644,415 with the USGS assuming \$200,000 in cost-share, or 23 percent. Construction has been funded from the CIP; however, the monitoring will be paid for from the Production & Pumping Divisions' operations budget.

The Production and Pumping operations budget needs to be increased by \$138,000 in 2006, increased by \$191,000 in 2007, and the 2008 budget increased by \$158,000 to pay for the program.

Ensure efficient infrastructure by providing reliable, compliant and secure utilities.

The Law Department has approved the Joint Funding Agreement as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the Joint Funding Agreement and the increase in operating budget be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## CIP FUNDS

### TRANSFER OF CIP FUNDS.

Agenda Report No. 06-0588

Each year the City Council authorizes Water & Sewer Department Capital Improvement Program expenditures for:

reconstructing old sanitary sewers (S-4)  
installing sewer mains for future development (S-5)  
installing water mains to meet the needs of current development (W-65)  
replacing old water mains (W-67)  
Plainview consumer lines (W-70)

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate project. When the subproject is complete, the remaining budget is transferred to the main project, available to be used for other subprojects initiated during the same year. Not all projects are completed in one fiscal year; therefore, not all of the funds approved can be spent in the year for which they are approved.

Staff requests authorization to transfer 2005 funds remaining in S-4, S-5, W-65, W-67 and W-70 to the current year's budget, and to amend the bond resolutions for the current year. This will clarify spending and bonding authority for projects not completed in one fiscal year, and for funds remaining when subprojects are completed during a subsequent fiscal year. Most 2005 subprojects are substantially complete and the 2005 projects will be closed. This process avoids the need to over budget for projects in order to cover the estimated costs, rather than the actual costs.

The following amounts were not used in 2005 and are needed in 2006. Transferring these funds will not increase CIP expenditures.

·	S-4	\$75,995
·	S-5	\$149,464
·	W-65	\$3,187,000
·	W-67	\$1,787,110
·	W-70	\$73,039

As an Internal Perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, these projects will provide reliable, compliant and secure utilities.

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City Council approval is required to transfer CIP budget authority.

Motion--  
--carried

Vice-Mayor Gray moved that the transfer of funds be approved; the CIP amended; the amended Resolutions adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## RESOLUTION NO. 06-335

A Resolution amending Resolution No. 05-667 pertaining to the reconstruction of old sanitary sewers (S-4) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-336

A Resolution amending Resolution No. 05-634 pertaining to the construction of sewers mains for future development (S-5) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-337

A Resolution amending Resolution No. 05-635 pertaining to the construction of water mains for future development (W-65) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-338

A Resolution amending Resolution No. 05-638 pertaining to the replacement and relocation of distribution water mains (W-67) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-339

A Resolution amending Resolution No. 05-633 pertaining to the Planeview consumer line improvements (W-70) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## 24" WATER MAIN

### **24-INCH WATER MAIN IN 29TH STREET NORTH FROM 119TH STREET WEST TO 135TH STREET WEST-BUDGET INCREASE. (DISTRICT V)**

Agenda Report No. 06-0589

On April 15, 2003, the City Council approved expenditures for a 24-inch water main to be constructed along 29th Street North from 119th Street West to 135th Street West. The Water Master Plan identified this project as necessary to ensure adequate service levels now and in the future.

Bids were opened for construction on April 14, 2006, with the low bid received being \$694,847. The budget for this project was originally set at \$500,000 so a budget increase will be required. The increase is necessary to successfully let the project and have adequate funds for engineering and inspection.



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Capital Improvement Program project (CIP W-905) was included in the 2003 approved CIP. Due to inflation and the uncertainty of oil prices, the project was not successfully bid for the original projected budget of \$500,000. An increase is required of \$250,000 to bring the total budget to \$750,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The construction of this water line will ensure efficient infrastructure and enhance the quality of life by providing reliable public utilities and water service to citizens that will be adequate and provide for future growth.

The Law Department has approved the amended Resolution as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the budget increase be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## RESOLUTION NO. 06-340

A Resolution amending Resolution No. 03-184 pertaining to the installation of a water main in 29<sup>th</sup> Street North from 119<sup>th</sup> Street West to 135<sup>th</sup> Street West (W-905), presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## DRYING BEDS

### **SEWAGE TREATMENT PLANT MEDIA REPLACEMENT AND DECOMMISSION OF DRYING BEDS.**

Agenda Report No. 06-0590

Drying beds are a mechanism for dewatering wastewater treatment solids. The beds at Plant 1 have not been used for several years and the State of Kansas is requiring the City to close the beds, remove concrete containment walls and cover the units with soil. Enough soil has been accumulated to cover the beds, but until a recent inspection, Staff was not aware that the concrete would have to be removed. Quotes for the concrete removal were requested.

Biofilter media is an important part of the odor control systems at Plant 2 and the Cowskin Creek Water Quality Reclamation Facility (CCWQRF). Wood chips are the media that provide a substrate for the growth of microbes responsible for consuming the odorous chemicals from the air collected throughout the plants. Plant 2 has been operating the biofilter for five years and has seen enough deterioration of the media to require them to be changed. The unit at CCWQRF has been in service three years and the media have deteriorated in a less uniform manner.

The state is mandating the decommissioning of the drying beds at Plant 1. The need for the concrete removal is a new requirement and represents the largest expense. Biofilter maintenance at Plant 2 and CCWQRF is an important part of the odor control program at both facilities and both of the beds require replacement.

The CIP was originally set up for improvements of the Plant 2 treatment system. The Plant 2 project will be complete by the end of June with the completion of the computer upgrade project. Bids will be taken for the removal and disposal of the concrete from the beds, and Staff will complete the closure. Bids will also be taken for the media replacement.

CIP S-513, Sewage Treatment Plant 2 Improvements, will have remaining funds of \$1.7 million and be available for the mandated projects at Plant 1 and the CCWQRF. Total cost for the two projects will be \$275,000. The drying bed decommissioning at Plant I will cost \$50,000. Media replacement is expected to cost \$225,000 for the change out of the units at Plant 2 and CCWQRF.

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These items impact the infrastructure by providing reliable, sanitary, safe and compliant utilities.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Vice-Mayor Gray moved that the expenditures be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## RESOLUTION NO. 06-341

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$275,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ MAY 23, 2006)**

- a) A06-13R-generally located southeast of 51st Street North and Meridian Avenue. (District VI)

#### ORDINANCE NO. 47-038

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent). (A06-13)

- b) A06-14R-generally located northeast of the intersection of 55th Street South and Clifton Avenue. (District III)

#### ORDINANCE NO. 47-039

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent). (A06-14)

### **NEW BUSINESS**

## TIF

### **RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICT II)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-0591

A local real estate development company, Loveland Properties L.L.C., has requested assistance from the City of Wichita in the redevelopment of property located near Douglas and Hillside, through the use of tax increment financing. Procedures for the use of tax increment financing require the establishment of a redevelopment district following a public hearing on the matter. At this time, the City is being asked to adopt a resolution setting the public hearing for July 11, 2006.

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The area proposed for redevelopment is shown on Exhibit 'A'. The area is bounded on the south by Douglas Avenue, on the west by Hillside Avenue, on the north by First Street and includes property parcels adjacent to the east of Rutan Avenue. This is an area that qualifies as a "conservation area" under the state TIF statutes. This area was the site of the original Wichita Clinic Building, which has recently been demolished. In 1988, the building was purchased by the State of Kansas and served as the regional office of the Kansas Department of Social and Rehabilitative Services (SRS). In 1995, the building and adjacent parking lots were purchased by the City of Wichita and Sedgwick County as part of the project to consolidate state agencies into the former Dillards Building in downtown Wichita. It was sold to Rusty Eck and has remained vacant since 1995.

Loveland Properties proposes to purchase the former Clinic/SRS site and other property within the proposed redevelopment district and construct a mixed-use commercial development. The general plan for redevelopment calls for construction of a high-rise apartment/condo building with an attached parking structure, brownstone-type town homes and retail space. Tax increment financing would be used to pay for eligible redevelopment costs, which include (without limitation) land acquisition, demolition, site preparation, utilities, landscaping, paving, and public infrastructure.

Tax increment financing allows the increased tax revenue that results from the redevelopment of property to be reinvested in the redevelopment project. Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer, to be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment project plan. After the bonds are retired, the property tax increment is distributed to the City, County and School District.

The first step in establishing the tax increment district is the adoption of a resolution which states that the City Council is considering the establishment of the TIF district and sets the date for a public hearing on the matter. The earliest date a public hearing could be held for this project is July 11, 2006. After closing the public hearing, the City Council may adopt an ordinance establishing the redevelopment district. The final step in the approval process involves the adoption of a detailed project plan and approval of a development agreement.

The initiating resolution directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies, by certified mail, to the owners and occupants of all property located within the district and to the Board of County Commissioners and Board of Education. The resolution also includes a map of the proposed district and a proposed district plan identifying potential redevelopment project areas and a general description of buildings and facilities to be constructed or improved.

Tax increment financing falls under the City's Economic Development Incentive Policy, and as such this project will be subject to the provisions of said Policy, unless specifically waived or adjusted by the City Council. For example, it may be necessary to waive or adjust the requirement that projects must show a cost-benefit ratio of at least 1.3 to one in order to receive incentives. As a commercial redevelopment project consisting of housing and retail businesses, it is unlikely the project will qualify under that requirement.

The cost of mailing the Resolution to all owners and occupants of property located within the proposed district will be charged to Economic Development Fund and will be ultimately financed with TIF revenues.

The developer will be required in the development agreement to provide satisfactory guarantees for the payment of any shortfall in TIF revenues available for debt service on any "full faith and credit" TIF bonds issued by the City.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

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State law allows cities to establish redevelopment districts in areas that are considered conservation areas based on findings that a majority of the structures in the area are at least 35 years old and the area is not yet blighted but may become blighted due to dilapidation, excessive vacancies or building abandonment. Such findings shall be set forth in the ordinance presented to the City Council for adoption following the public hearing on July 11, 2006. During a 30-day period following the public hearing, the Sedgwick County Board of County Commissioners and the USD 259 Board of Education will have the right to veto the establishment of the redevelopment district.

Vice-Mayor Gray

Vice Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for July 11, 2006 be adopted. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## RESOLUTION NO. 06-342

A Resolution stating the city of Wichita is considering the establishment of a Redevelopment district for the Douglas and hillside redevelopment District under authority of K.S.A. 12-1770 Et Seq, presented. Schlapp moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

**WEAVER**

### **PUBLIC HEARING AND TAX EXEMPTION REQUEST, WEAVER MANUFACTURING, INC. (DISTRICT I)**

Allen Bell

Economic Development Administrator reviewed the item.

#### Agenda Report 06-0592

On December 19, 2000, City Council approved a five-plus-five year 100% ad valorem tax exemption for Weaver Manufacturing, Inc. (Weaver Manufacturing) on an expansion project that resulted in constructing additional manufacturing space and purchasing new equipment. On December 18, 2001, City Council also approved a 94.75% five-year tax exemption on manufacturing equipment, and March 4, 2003, Council approved a 100% five-year tax exemption on manufacturing equipment.

Weaver Manufacturing, Inc., located at 1005 E 17th in northeast Wichita, was locally formed in 1942. Weaver is a machine shop supporting Wichita's aircraft industry and over the years has experienced growth in sales and production. In response to an increase in production, Weaver expanded its existing facility to include acquisition of new manufacturing equipment in the amount of \$316,890. The company is now requesting approval of an Economic Development Tax Exemption on additional new equipment in conjunction with the expansion project.

Weaver Manufacturing, Inc. manufactures precision component aircraft parts in support of Wichita's major aircraft manufacturers. Weaver specializes in engine attachment rings for aircraft, which are the rings that hold the jet engines onto a plane's wing. Weaver also manufactures structural component parts such as floor beams and seat tracks. Weaver utilizes precise equipment to machine component parts up to 80" to 125" in length. By using the latest in computer technology, the company has built a reputation for producing high quality, close tolerance machined parts as well as tooling and prototype work.

Weaver's expansion project will result in the purchase of new manufacturing equipment. The new equipment will be purchased by a 60%-owned affiliate, TDR, Ltd, and leased to Weaver Manufacturing, Inc. by such affiliate.

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Staff conducted a site-monitoring visit on June 5, 2004, and as a result of the 2003 expansion, Weaver is on target with its job commitment and is in compliance with all the terms and conditions under which the City granted the exemption. Weaver currently employs 56 employees and projects to add an additional 4 new jobs over the next five years by expanding operations through acquisition of new manufacturing equipment.

Weaver exports 100% of all production out of Kansas via Spirit Aero systems, Boeing, B.F. Goodrich and Nordam, Cessna and Vought Aircraft.

Weaver Manufacturing Inc./TDR, Ltd's, expansion project is itemized in Exhibit I. Under the Economic Development Incentive Policy, Weaver Manufacturing is eligible for the following property tax abatement:

## TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
19.00%	New Job Creation:	Weaver Manufacturing will create at least 4 new jobs.
6.00%	Capital Improvements:	Weaver Manufacturing will invest at least \$316,890.
25.00%	Sub Total Business -	Incentive Eligibility (Maximum allowed is 100%)
20.00%	Location Premium:	Weaver Manufacturing is located in the central redevelopment area.

## 45.00% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the City's Economic Development Incentive Policy, Weaver and TDR, Ltd are eligible for 45% tax exemption for a five-year term on the identified personal property. A notice of public hearing has been published. Weaver Manufacturing has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on the proposed \$316,890 expansion would be \$7,702 on personal property, based on the 2005 mill levy. Using the allowable tax exemption of 45 percent, the City would be exempting (for the first year) \$3,466 of new taxes from the personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$975; County/State - \$924; and USD 259 - \$1567.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.94 to one
Sedgwick County	4.20 to one
USD 259	1.31 to one
State of Kansas	5.86 to one

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The City Attorney's Office has approved the Ordinance as to form.

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Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing, be closed; the Ordinance granting Weaver Manufacturing, Inc. and TDR, Ltd. a 45% tax exemption on the identified personal property for a five-

--carried

year term placed on first reading and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Weaver Manufacturing, Inc., so exempted, introduced and under the rules laid over.

### **CHILD SAFETY ACT    CHILD PASSENGER SAFETY ACT AMENDMENT, SECTION 11.38.370.**

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 06-0593

City of Wichita Ordinance 11.38.370 is known as the Child Passenger Safety Act.

Currently, the ordinance requires children under the age of four years to be placed in a proper child safety restraining system that meets or exceeds the standards and specifications contained in the federal motor vehicle safety standard no. 213. Children four years of age, but under the age of fourteen, must be restrained in a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208. During the 2006 state legislative session, House Bill No. 2611 was passed, which places more stringent requirements for safety restraints of children in motor vehicles. Effective July 1, 2006, this bill continues to require children under the age of four years to be in an appropriate child safety restraining system. However, the bill will require that children four years of age, but under eight years of age, and who weighs less than 80 pounds, or is less than 4 feet 9 inches in height, must be in an appropriate child passenger restraining system that meets or exceeds the standards and specifications in federal motor vehicle safety standard no. 213.

For children eight years of age but under fourteen years of age, or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, must be in a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208. Under the current version of the law, \$10 of the fine and court costs shall be waived if the driver convicted of violating the child safety seat provisions provides proof to the court that they have procured or purchased a proper child safety seat. Under the law effective July 1, 2006, \$60 of the fine is waived upon proof of purchase or procurement of a proper child safety seat, and such proof is provided to the Court.

For those violating the provisions mandating child safety seats for those from four years of age to eight years of age, and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, then a warning citation shall be issued for this violation until June 30, 2007. Currently, the Wichita Police Department does not issue warning citations, or have a warning citation form. When officers issue warning citations in this instance, they will utilize the current citation, and indicate at the top, that it is a warning. Copies of the citations will be forwarded to Municipal Court for tracking and statistical purposes.

Amendment to City of Wichita Ordinance 11.38.370 must be adopted, as city ordinance cannot be less restrictive than state statute.

Provide a safe and secure community.

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The ordinance amendment has been prepared and approved as to form by the Law Department.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard.

Cybil Strum

Ms. Strum stated that she thought this was a great idea and that it is too bad that we have to wait until 2007.

Motion--  
--carried

Vice-Mayor Gray moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## ORDINANCE

An Ordinance amending Section 11.38.370 of the Code of the City of Wichita, Kansas, pertaining to the Child Passenger Safety Act, introduced and under the rules laid over.

### MAIZE/WESTPORT

### MAIZE AND WESTPORT INTERSECTION IMPROVEMENT. (DISTRICT V)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0594

On July 12, 2005, the City Council approved a project to improve the intersection of Maize and Westport. An attempt to award a construction contract within the project budget was not successful. An amending Ordinance has been prepared to increase the project budget.

The project will construct left turn lanes on Maize for north and southbound traffic at Westport. Landscaped medians will be installed on Maize.

The current budget is \$300,000 with \$30,000 paid by the City and \$270,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$460,000 with \$60,000 paid by the City and \$400,000 paid by Federal Grants. Funding for the increased City cost is available from projected under expenditures in the 29th Street North improvement, between Maize and Tyler.

This project addresses the Ensure Efficient Infrastructure goal by improving traffic flow through a busy intersection in west Wichita.

The Law Department has approved the amending Ordinance as to legal form.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Martz moved that the revised budget be approved; the amending Ordinance placed on first reading and the signing of State/Federal agreements as required authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

## ORDINANCE

An Ordinance amending Ordinance No. 46-626 of the City of Wichita, Kansas declaring the intersection of Maize Road at Westport (472-84244) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

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## GREENWICH RD

### GREENWICH ROAD IMPROVEMENT, BETWEEN 26TH AND 29TH STREET NORTH. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0595

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Greenwich, between 26th and 29th St. North. District II Advisory Board sponsored a May 1, 2006, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will provide four through lanes on Greenwich and a continuous center two-way left turn lane. The intersection of Greenwich at 29th will be paved with left turn lanes at all four approaches. A storm water sewer will be constructed to improve drainage. Construction is planned to begin later this year.

The estimated project cost is \$1,700,000 with \$500,000 paid by the City and \$1,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

This project addresses the Ensure Efficient Infrastructure goal by improving a vital arterial street. It also addresses the Economic Vitality and Affordable Living goal by providing a public improvement necessary for the private sector's development of the surrounding area.

The Law Department has approved the authorizing Ordinance as to legal form.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Schlapp moved that the project be approved; the Ordinance placed on First Reading, and the signing of State/Federal agreements as required authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

### ORDINANCE

An Ordinance declaring Greenwich, between 26th St. North and 29th St. North (472-84415) be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

## SEC. 5.66.010

### AMENDMENTS TO SECTION 5.66.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO CRIMINAL DAMAGE TO PROPERTY.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 06-0607

The Kansas Legislature increased the jurisdictional amount for the misdemeanor crime of criminal damage to property. Under the existing state statute, K.S.A. 21-3720, criminal damage to property was a misdemeanor offense if the property was damaged in an amount less than \$500, or if the damaged property had a value under \$500. The amendments to K.S.A. 21-3720, found in Senate Bill 366, raise the amount of damage to under \$1,000, or the value of property damaged is under \$1,000.

The amendments to 5.66.010 must be passed, in order to comply with the mandates of state statute, K.S.A. 21-3720, regarding jurisdictional limits for the crime of misdemeanor criminal damage to property. Municipal criminal ordinances cannot be less restrictive than state criminal ordinances.



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Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute criminal damage to property violations.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

Vice-Mayor Gray moved that a public emergency be declared and the ordinance making the recommended amendments to City Code Section 5.66.010 be adopted on first reading. Motion carried 5 to 0, (Fearey and Mayans absent).

carried

## ORDINANCE NO. 47-040

An Ordinance amending Section 5.66.010 of the Code of the City of Wichita, Kansas, pertaining to criminal damage to property. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

### SEC. 5.42.035

#### **AMENDMENTS TO SECTION 5.42.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL USE OF A FINANCIAL CARD.**

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 0608

The Kansas Legislature increased the jurisdictional amount for the misdemeanor crime of criminal use of a financial card. Under the existing state statute, K.S.A. 21-3729, violation of criminal use of a financial card was a misdemeanor offense if the money, goods, property, services or communication services obtained within a seven-day period are of the value of less than \$500. The amendments to K.S.A. 21-3729, found in Senate Bill 366, raise the jurisdictional amount of goods or services obtained during a seven-day time period to less than \$1,000.

The amendments to 5.42.035 must be passed, in order to comply with the mandates of state statute, K.S.A. 21-3729, regarding jurisdictional limits for criminal use of a financial card. Municipal criminal ordinances cannot be less restrictive than state criminal ordinances.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of criminal use of a financial card.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--

Vice-Mayor Gray moved that a public emergency be declared and the ordinance making the recommended amendments to City Code Section 5.42.035 be adopted on first reading.. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

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## ORDINANCE NO. 47-041

An Ordinance amending Section 5.42.035 of the Code of the City of Wichita, Kansas, pertaining to unlawful use of a financial card. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

### PLANNING AGENDA

Motion--  
--carried

Vice-Mayor Gray moved that Planning Consent items 35-41 be approved in accordance with the recommended action shown thereon.

**ZON2005-00058**

**ZON2005-00058-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE. GENERALLY LOCATED WEST OF OLIVER AVENUE AT THE NORTHEAST CORNER OF CENTRAL AND CRESTWAY AVENUES. (DISTRICT I)**

John Schlegel

Planning Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. No. 06-0596

MAPC Recommendations: Denied (5-5) at May 4, 2006 meeting.

Denied (6-5) at February 2, 2006 meeting.

MAPD Staff Recommendations: Denied.

DAB Recommendations: Denied (7-1).

The applicants are requesting "NO" Neighborhood Office zoning on a platted 0.22-acre site, which is currently zoned "TF-3" Two-family Residential. The site is located on the northeast corner of Central and Crestway Avenue. The site's current structure appears to be what was originally a single-family residence (approximately 1,428-square feet, single-story, wood lap siding, built in the late 1920s) facing Central with a detached single car garage in the back. Access to the garage is off of Crestway. There is a paved alley (which is blocked off by a fence located east of the site) abutting the back of the site by the garage with a graveled area abutting the east side of the garage. There is a six-foot wooden privacy fence around the back yard of the site. The applicants propose to convert this residential structure into an office. It appears the applicants have already begun the conversion and have a sign posted in the front yard advertising the business. The applicants were advised that the Unified Zoning Code (UZC, Art. IV, Sec. IV-E) permitted the proposed business as a "home occupation, office facilities." The applicants have stated that the office will be operating without an occupant on the site, thus canceling any possible "home occupation" status. They also want a larger on-site sign than what was permitted for a home occupation. Staff advised the applicants that a variance could be applied for, in regards to the sign they wanted and that is currently on site, if the office was operated as a "home occupation".

"TF-3" zoned lots that have been developed as duplexes are east of the site, extending up to where the block ends at Terrace Drive. The next block east of the site is zoned "TF-3" and "MF-20" Multifamily Residential and is developed with duplexes and four-plexes with the exception of the eastern most corner property being zoned "GO" General Office. This "GO" zoned property is almost two blocks away and is the nearest nonresidential zoning on the north side of Central. The "GO" zoned property is also the western most extension of the commercial ("LC" Limited Commercial) zoning located around the Central and Oliver Avenue intersection, specifically on the north side of Central. South of the site, and across Central Avenue, properties are zoned "TF-3" and "SF-5" Single-family Residential with development being overwhelming single-family residential. There is "LC" zoning almost two blocks east of the site on the south side of Central. Similar to the previously mentioned "GO" zoning, it is the western most extension of the commercial ("LC") zoning around the Central and Oliver Avenue intersection. "TF-3" zoning and a mixture of mostly single-family residences and some duplexes are located west, across Crestway Avenue, from the site. The nearest commercial/office zoning west of the

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site is seven blocks away. "TF-3" zoning and a mixture of mostly single-family residences and a few scattered duplexes are located north of the site.

The Metropolitan Area Planning Commission (MAPC) heard this request at their February 2, 2006 meeting. The MAPC recommended denial (6-5) citing the findings found in the staff report. One property owner spoke in opposition citing concerns with increased traffic and the impact it would have on their shared driveway with the applicant. Staff received no written protest to the request. District Advisory Board I (DAB I) reviewed this request at their March 6, 2006 meeting. One person spoke against the request at the DAB meeting. DAB I recommended denial (7-1).

The Wichita City Council heard this request at their April 4, 2006 meeting and recommended (unanimously) that the request be returned to the MAPC for reconsideration. The MAPC reconsidered this request at their May 4, 2006 meeting and recommended denial (5-5). A tie vote is deemed to be a recommendation of disapproval. There are findings in the staff report to support denial. No one spoke against the request at the MAPC meeting.

Promote Economic Vitality and Affordable Living.

Should the City Council approve the request an ordinance will be prepared reflecting the Council's direction.

Council Member Brewer Council Member Brewer stated that there was a lot of discussion between the District Advisory Board (DAB) and they were close to being a split vote. Stated that this weekend he drove by and looked at the sign and based on the information that they have and the nature of the business, he feels that there is no reason to not approve this.

Motion-- Brewer moved to approve the zoning change from Two-family Residential to Neighborhood Office.  
--carried Motion carried 5 to 0, (Fearey and Mayans absent).

**ZON2006-00014** **ZON2006-00014-ZONE CHANGE FROM LIMITED INDUSTRIAL TO GENERAL INDUSTRIAL FOR READY MIX CONCRETE AND ASPHALT PRODUCTION FACILITIES. GENERALLY LOCATED 500 FEET SOUTH OF TULSA, 500 FEET EAST OF HYDRAULIC AND WEST OF I-35. (DISTRICT III)**

John Schlegel Planning Director reviewed the item.

Agenda Report No. 06-0597

MAPC Recommendations: Approve, subject to re-platting with no Protective Overlay (11-0).

MAPD Staff Recommendations: Approve, subject to re-platting and a Protective Overlay.

DAB Recommendations: Approve, subject to staff recommendations. (8-2).

The application area consists of undeveloped 18.21 acres and a portion of two platted lots that is generally located 500 feet south of Tulsa, 500 feet east of Hydraulic and west of I-135. The contract purchaser wishes to develop the site with ready mix concrete and asphalt production facilities. The contract purchaser owns "LI" zoned property north of this site, which is used for similar production.

All property surrounding the site is zoned "LI" and is vacant or developed with industrial uses. Across Hydraulic, 500 feet west of the site, is "LC" Limited Commercial and "MF-29" Multi-family Residential zoned property, developed with a church, a retail use, a postal facility and single-family residences.

DAB III heard this request on April 18, 2006. Both DAB members and citizens raised concerns of permitted uses under "GI" zoning, environmental and dust issues and offers to donate land to the City for a fire station. The DAB recommended approval of the request, subject to staff recommendations, including a Protective Overlay, by a vote of 8-2. Conditions of the Protective Overlay include: landscape buffering along I-135, limiting the site to one plant located at least 850 feet from Hydraulic and limiting access to the site from Tulsa Street (no direct access from Hydraulic would be permitted).

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MAPC heard this request on April 20, 2006 and no citizens spoke in opposition to the zone change request. The action of the MAPC was to approve the request without the staff recommended Protective Overlay by a vote of 11-0.

Promote Economic Vitality and Affordable Living.

The Ordinance has been reviewed and approved as to form by the Law Department.

Council Member Skelton Council Member Skelton stated that this request was discussed with local neighborhood associations and the DAB and at both of these meetings, citizens discussed conditions that would ensure this request does not have a negative impact on the area. The original protective overlay as recommended by staff and approved by the DAB can be seen in the MAPC minutes for this case. Stated that to ensure that the neighbors are considered, he wishes to propose a protective overlay with conditions that would limit the applicant to one concrete or asphalt plant on the site and would keep the plant over 850 feet from the residential area. Stated that this would ensure that the code required screening and landscaping are also included.

Motion-- Skelton moved to recommend approval of the zone change request, subject to re-platting the property within one year and subject to Protective Overlay #171 with the following conditions:  
1) The site shall be limited to one concrete or one asphalt batching plant; 2) no asphalt or concrete plant shall be located within 850 feet of Hydraulic Avenue; 3) the applicant shall comply with all landscaping requirements of Chapter 10.32 of the Code of the City of Wichita applicable to GC or LI zoned property; 4) the applicant shall comply with all applicable provisions of the Wichita-Sedgwick County Zoning Code relating to required screening of GI zoned property; 5) no rock crushing shall be permitted on the property and 6) the applicant shall comply with all federal, state and local rules and regulations, health codes, environmental codes, and operational standards for concrete and asphalt production equipment and facilities. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

SUB2005-133

## **SUB2005-133-PLAT OF SYCAMORE POND ADDITION, LOCATED SOUTH OF 47TH STREET SOUTH AND ON THE EAST SIDE OF SENECA. (DISTRICT IV)**

Agenda Report No. 06-0598

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of 104 lots on 37.4 acres, is a replat of a portion of Angel Acres 2nd Addition. This site is zoned SF-5, Single-family Residential District.

Petitions, 100%, and a Certificate of Petitions have been submitted for sewer, drainage, paving and water line improvements. Restrictive Covenants were submitted to establish a Lot Owner's homeowner's association to provide for the ownership and maintenance of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

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Motion--  
--carried

Vice-Mayor Gray moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 5 to 0, (Fearey and Mayans absent).

## RESOLUTION NO. 06-343

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90200 (south of 47<sup>th</sup> Street South, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-344

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90201 (south of 47<sup>th</sup> Street South, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-345

Resolution of findings of advisability and resolution authorizing construction of Lateral 58, Main 3, Southwest Interceptor Sewer 468-84191 (south of 47<sup>th</sup> Street South, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-346

Resolution of findings of advisability and resolution authorizing construction of Lateral 59, Main 3, Southwest Interceptor Sewer 468-84192 (south of 47<sup>th</sup> Street South, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-347

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 295, 468-84193 (south of 47<sup>th</sup> Street South, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

## RESOLUTION NO. 06-348

Resolution of findings of advisability and resolution authorizing constructing Pavement on 50th St. South, from the east line of Seneca to the east line of Lot 27, Block 1, Sycamore Pond Addition; Osage/Osage Circle, from the north line of Sunrise to and including the cul-de-sac and sidewalks to be constructed on one side of all through, non cul-de-sac streets (south of 47th St. South, east of Seneca) 472-84416 in the city of Wichita, Kansas, , presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

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## RESOLUTION NO. 06-349

Resolution of findings of advisability and resolution authorizing constructing pavement on 50th St. South, from the west line of Lot 28, Block 1, Sycamore Pond Addition to the west side of Gold; 50th St. Ct. S, Lots 33 through 42, Block 1) from the north line of 50th St. south to and including the cul-de-sac; Sycamore Ave., from the north line of sunrise to the north line of Sycamore Pond Addition, Sycamore Ct., from the east line of Sycamore to and including the cul-de-sac; and 50th St. Ct. S, Lots 22 through 31, Block 2) from the north line of 50th St. South to and including the cul-de-sac and sidewalks to be constructed on one side of all through, non cul-de-sac streets (south of 47th St. South, east of Seneca) 472-84417 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

**SUB2006-04**

### **SUB2006-04-PLAT OF NORTH SANITARY SEWER ADDITION, LOCATED WEST OF MERIDIAN AND SOUTH OF 53RD STREET NORTH. (DISTRICT VI)**

Agenda Report No. 06-0599

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of one lot on .92 acres, is located within Wichita's city limits. The site is zoned SF-5, Single Family Residential District.

Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure efficient infrastructure.

Motion--  
--carried

Vice-Mayor Gray moved that the plat be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

**DED2006-13**

### **DED2006-13-DEDICATION OF A UTILITY EASEMENT, LOCATED NORTH OF DOUGLAS AND WEST OF WEST STREET. (DISTRICT IV)**

Agenda Report No. 06-0600

Staff Recommendation: Accept the Dedication.

This Dedication is associated with a lot split case (SUB 2006-36). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Vice-Mayor Gray moved that the Dedication be accepted. Motion carried 5 to 0, (Fearey and Mayans absent).

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VAC2006-00021

**VAC2006-00021-REQUEST TO VACATE A PLATTED UTILITY EASEMENT, GENERALLY LOCATED EAST OF ROCK ROAD AND NORTH OF KELLOGG AVENUE. (DISTRICT II)**

Agenda Report No. 06-0601

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the platted 10-foot utility easement located on Lot 1, the McDonald's First Addition. The recent expansion of Kellogg Avenue has reconfigured and reduced the size of all those properties (including the subject site) abutting this portion on the north side of the Kellogg right-of-way (ROW). The expansion has also relocated utilities located on those properties. There are no utilities, manholes, sewer or water lines in the platted utility easement. The McDonald's First Addition was recorded with the Register of Deeds on May 13, 1984.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Ensure efficient infrastructure

Motion--  
--carried

Vice-Mayor Gray moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

ZON2006-19

**ZON2006-19-ASSOCIATED WITH CON2006-17, ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL AND A CONDITIONAL USE TO ALLOW A CAR WASH WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST MAPLE STREET AND SOUTH ILLINOIS AVENUE. (DISTRICT IV)**

Agenda Report No. 06-0602

MAPC Recommendation: Approve, (11-0) subject to staff recommendations except the following: (1) Change condition "C" of the Conditional Use to "All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations." (2) Change condition "D" of the Conditional Use to "The site shall comply with all provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include evergreens planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition."

Staff Recommendation: Approve, subject to replatting within one-year and conditions.

D.A.B. Recommendation: Approve, (8-0) subject to staff recommendations and adding the following as condition "H" of the Conditional Use: "The applicant shall provide a security gate at the main drive, which shall be locked when the facility is closed for business."

The applicant is requesting a zone change from SF-5 Single-family Residential to LC Limited Commercial and a conditional use to allow a 24-hour car wash to be located within 200 feet of residential zoning in the LC Limited Commercial zoning district. The approximately one acre site is located on the southeast corner of the intersection of West Maple Street and South Illinois Avenue, one block east of West Street. The site is currently zoned LC Limited Commercial on the north nine lots and SF-5 Single-family Residential on the south four lots. The north nine lots (LC) are currently vacant, but appear to have been used as a parking lot at some point in the past. The two center lots (SF-5) are vacant and the two southernmost lots (SF-5) are developed with one single-family residence. Quik Trip Corporation, owner of the property immediately west of Illinois Avenue from the subject property, is proposing the car wash as an ancillary use to their existing convenience store.

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A mix of commercial and industrial zoning with predominately neighborhood retail/commercial uses typifies the land use pattern along the West Street and Maple Avenue frontages. Single-family zoning and development interspersed with multi-family and two-family zoning and development characterizes the area south of Maple Avenue between West Street and Friends University. Immediately across Maple Avenue from the subject property is developed with a small strip retail center, which includes hair salon and automotive services. Immediately east of the subject property is a small neighborhood bar/drinking establishment. Southeast of the site is a small pocket of multi-family use zoned MF-29 Multi-family Residential. A single-family residence zoned SF-5 abuts the site to the south.

The applicant has submitted a site plan that illustrates three major changes to the existing site that will require replatting as a remedy. First, two existing points of access onto Maple Avenue will be closed and replaced with one large drive onto Illinois Avenue. This will include dedication of complete access control on Maple Avenue. Second, the site plan shows the closing of the existing alley between the north nine lots and four south lots. Third, the existing setback along Maple Avenue is being reduced from 20 feet, as required by the Unified Zoning Code (UZC), to 15 feet. Also at platting, the applicant will be asked to dedicate right-of-way on the northern 20 feet of Lot 4, which fronts on Maple Avenue, to match the existing right-of-way along the rest of the subject property.

At the DAB IV hearing on May 3, 2006, the DAB voted (8-0) to recommend approval of the zoning change and the Conditional Use, subject to replatting within one year and subject to the conditions recommended by staff and adding the following as condition "H" of the Conditional Use: "The applicant shall provide a security gate at the main drive, which shall be locked when the facility is closed for business."

At the MAPC hearing on May 4, 2006, the MAPC voted (11-0) to recommend approval of the zoning change and the Conditional Use, subject to replatting within one year and subject to conditions recommended by staff, except: (1) Change condition "C" of the Conditional Use to "All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations." (2) Change condition "D" of the Conditional Use to "The site shall comply with all provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include evergreens planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition." The original staff recommendation for condition "C" was to prohibit lighting taller than 14 feet throughout the site and for condition "D" was to use evergreens, rather than shade trees. The conditions of approval recommended by the MAPC are:

- A. The car wash shall be developed according to the site plan and maintained in compliance with all the requirements of Section III-D.6.f of the UZC regarding supplementary use regulations for car washes.
- B. The site shall comply with all provisions of Section IV-C of the UZC, pertaining to compatibility standards.
- C. All proposed lighting shall comply with Art. IV, Sec. IV-B.4 of the UZC. Plus, no proposed pole lights (including base, standard, and fixtures) shall be taller than 14 feet south of the vacuum stations.
- D. The site shall comply with all provisions of the Landscape Ordinance and the applicant shall submit a landscape plan for approval by the Planning Director, which shall include shade trees planted every 15 feet in the south landscape buffer between Lot 20 and Lot 22, Block 3, Quincy Addition.
- E. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- F. At platting, the applicant shall dedicate complete access control to Maple Street and shall dedicate 20 feet of right-of-way to Maple Street from Lot 4, Block 3, Quincy Addition.
- G. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.



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Promote Economic Vitality and Affordable Living

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Vice-Mayor Gray moved that the findings of the MAPC and the zoning change and the Conditional Use to permit a car wash, subject to replatting within one year and subject to the recommended conditions be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

CUP2005-00009

**CUP2005-00009 (DP-282) AND ZON2005-00006-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE FOLIAGE COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTH OF 13TH STREET AND WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report No. 06-0603

Staff Recommendation: Approve extended platting deadline of May 3, 2009.

On May 3, 2005, the City Council approved the creation of DP-282 Foliage Commercial CUP and a zone change from "SF-5" Single-Family to "LC" Limited Commercial on approximately 7.14 acres generally located north of 13th Street and west of Webb Rd. Approval of the request was subject to the condition of platting the property within one year. As the applicant indicates in a letter, the applicant is not ready to develop or begin platting. The applicant requests a three-year platting extension to May 3, 2009.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--

Vice-Mayor Gray moved that the extended platting deadline of May 3, 2009 be approved.

--carried

Motion carried 5 to 0, (Fearey and Mayans absent).

CUP2006-06

**CUP2006-06, ASSOCIATED WITH ZON2006-07-CREATE DP-295 STONEBRIDGE COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 37TH STREET NORTH AND MAIZE ROAD. (DISTRICT V)**

Agenda Report No. 06-0604

MAPC Recommendations: Approve, subject to staff conditions, vote (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve subject to MAPC conditions (8-0).

The applicant proposes to create a commercial Community Unit Plan containing approximately 36 acres with 11 parcels zoned "LC" Limited Commercial for commercial development on the southeast corner of Maize Road and 37th Street North. Currently the property is zoned "SF-5" Single-family Residential.

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Parcels 1-10 are parcels located along Maize Road and 37th Street North. They range in size from 0.9 acre to 2.23 acres (Parcel 1 - 1.55 acre, Parcel 2 - 1.27 acre, Parcel 3 - 1.39 acre, Parcel 4 - 1.38 acre, Parcel 5 - 2.23 acres, Parcel 6 through 9 - 0.97 acre each, Parcel 10 - 0.90 acre). Parcel 11 is the main parcel. It has 23.27 acres and is connected to Maize Road and 37th Street North with a main entrance off each street frontage. A portion of this parcel will be used for drainage/detention purposes. Most likely this will be in the area directly east of the Parcels 1-4 and along the southern edge of the tract.

Allowed uses would be those permitted by right in the LC district except: adult entertainment establishment, correctional placement residence, asphalt/concrete plant, pawn shop and storage-outdoor as a separate use. Additionally, convenience stores, service stations, auto repair, car washes, restaurants with drive-in or drive-through windows, and taverns and drinking establishments would be prohibited within the south 200 feet of Parcels 1 and 11 and within the east 150 feet of Parcels 10 and 11. Overhead doors would be prohibited within 200 feet of residential zoning and overhead doors could not be facing residential zoning. Car washes would be prohibited within 200 feet of residential zoning, and, in those areas where not prohibited, would be subject to the additional requirements of the supplementary use regulations of Sec. III-D.6.f of the Unified Zoning Code.

Outdoor storage and display is permitted on Parcel 11 as an accessory use. Screening of outdoor storage and display would be per standards for the LC Limited Commercial district, except that outdoor storage would be allowed to increase from 10 percent to 20 percent, which is the amount allowed in LC subject to a conditional use approval. The approval of this use in the CUP would be considered granting the conditional use for additional outdoor storage area, but would be subject to site plan review by the Director of Planning, with concurrence of the Zoning Administrator and Traffic Engineer, to ensure compliance with LC site design standards for outdoor storage.

Maximum building coverage and gross floor area is shown as 35 percent for Parcels 1-8, 30 percent for Parcels 9 and 10, and 27 percent for the area of Parcel 11 (not including the area used for detention). Total maximum building coverage and gross floor area for the CUP would be 30 percent. Building height is shown as 45 feet for Parcel 11 and 35 feet for Parcels 1-10. The total number of buildings is proposed as 16, with one building on each of the smaller parcels and five on Parcel 11. Building setbacks are shown as 35 feet on along Maize Road, 37th Street North and exterior property lines. Internal building setbacks on parcels are shown as 15 feet. If a parcel is developed with a building of more than 100,000 square feet of gross floor area, the building setback increases to 100 feet on the south and west property lines and 35 feet on the interior parcel boundaries.

Buildings would have uniform architectural compatibility of character, color, texture and same materials (further defined as similar to surrounding residential areas), and would use earth-tone colors predominately. Parking lots would have similar or consistent lighting elements, limited to 25 feet in height, and reduced to 15 feet in height within 100 feet of residential zoning with residential use. Parking would be per code, but allows for use of Parcels 6-10 as parking areas for Parcel 11 if needed by future development, particularly if the CUP is developed with a shopping center type of building rather than a big box type of use on the main parcel.

A six-foot masonry wall would be constructed along property abutting residential zoning. The Sedgwick County bike path is shown on the CUP as a 10-foot asphalt sidewalk. The CUP requires a site plan to provide for smooth internal flow of vehicular traffic and for pedestrian connections between buildings and with the arterial sidewalk system.

Monument signage requested slightly exceeds the amount allowed by the Wichita Sign Code, and it is recommended the overall limit on sign face area of 0.8 times linear frontage be added. The number of signs requested is 14 monument signs, 11 signs with a maximum height of 20 feet and an maximum sign face area of 150 square feet, plus three signs with a maximum height of 30 feet and maximum sign face area of 200 square feet. This is equivalent to 17 signs (signs that are 30 feet in height are counted as occupying two sign locations by the Wichita Sign Code), which is the number of signs allowable based on the linear frontage of the CUP. Spacing of 100 feet is requested only between the 30' signs and 20' signs, rather than 150 feet apart. Otherwise, the signs would be spaced 150 feet apart. Portable and off-site signs are prohibited. Window displays would be limited to 25 percent of window area and signs on the rear would be prohibited.

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The property currently is zoned SF-5 and is in agricultural use. The property to the east and south is owned by USD#266 Maize School District. A portion of the 280 acres is developed with Maize South Middle School and the remaining land is being held for future school development. The property to the west of Maize Road is in large lot residential use or agricultural use, but has been platted and is being zoned for commercial use. A 25-acre tract on the northwest corner of Maize and 37th Street North is zoned LC and approved for commercial development (DP-262 37th & Maize Commercial CUP), but is currently undeveloped. The property to the north of 37th Street is located in the city of Maize. An eight-acre tract is being developed with an institutional use (Wichita State University) and approximately 25 acres is available for commercial use.

At the District V Advisory Board meeting held May 1, 2006, the board voted (8-0) to approve subject to the MAPC recommendation. A question was asked if agreements were in place for improvements and maintenance of 37th Street North and Maize since the jurisdiction is split between Wichita and Maize. The responsibility has been determined by an agreement between the two jurisdictions.

At the MAPC meeting held April 20, 2006, they voted (11-0) to approve subject to staff recommendation. No citizens were present to speak on the proposal. No protests have been received.

The recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-07) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-295), subject to the following conditions:
  - 1. The applicant shall guarantee center left turn lanes and right-turn decel lanes to all full movement approaches at time of platting.
  - 2. Add to General Provision 4: (not including metal as a predominant exterior façade material).
  - 3. Add General Provision 10K: The total amount of sign face area of freestanding signage along each arterial street shall not exceed 0.8 times the linear frontage.
  - 4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  - 5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  - 6. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
  - 7. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-295) includes special conditions for development on this property.
  - 8. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

--carried

Vice-Mayor Gray moved that the findings of the MAPC be adopted; the zone change subject to platting within one year approved; the CUP approved and the Planning Department to be instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 5 to 0, (Fearey and Mayans absent)

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## AIRPORT AGENDA

Motion--  
--carried

Vice-Mayor Gray moved to approve Airport Consent items 42 and 43 in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Fearey and Mayans absent).

## **4700 ACQUISITION**

### **RELOCATION ASSOCIATED WITH THE ACQUISITION OF 4700 NORTH WEBB ROAD FOR RUNWAY APPROACH PROTECTION, COLONEL JAMES JABARA AIRPORT.**

Agenda Report No. 06-0605

The Wichita Airport Authority acquired the residence at 4700 North Webb Road along with approximately 78 acres via eminent domain because a portion of the property lies within the runway protection zone and the runway approach protection zone for Colonel James Jabara Airport. This tract was acquired to prevent incompatible development in the protected area. Because monies from the Federal Aviation Administration were utilized in the purchase, the prior owner is eligible for reimbursement of certain relocation costs.

Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the prior owner is eligible for reimbursement for moving costs, costs associated with acquiring a replacement dwelling and a housing price differential payment. Based on the actual costs of the relocation, these amounts are \$2,500.00 for moving, \$849.50 for closing costs, and \$54,500.00 for the housing price differential, resulting in a total payment of \$57,849.50.

The payment will be funded with General Obligation Bonds paid by airport revenues. A budget increase in the amount of the payment is requested.

The Airport's contribution to the economic vitality of Wichita is promoted by acquisition of land that provides sufficient runway protection.

The Law Department has reviewed the settlement and approved the Authorizing Resolution as to legal form.

Motion--  
--carried

Vice-Mayor Gray moved that the payment and budget be approved and the resolution adopted. Motion carried 5 to 0, (Fearey and Mayans absent).

## RESOLUTION NO. A-06-009

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Colonel James Jabara Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, (Fearey and Mayans absent).

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## **MECHANICAL SYS      MECHANICAL SYSTEMS IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 06-0606

On October 18, 2005 the Wichita Airport Authority approved a contract with Don Vaughn Inc. for mechanical system improvements to the FAA office building located at 1801 Airport Road and a multi-tenant facility located at 2120 Airport Road on Wichita Mid-Continent Airport.

During construction changes to the project have been identified.

The change order amount of \$849 will be funded with General Obligation bonds paid for with Airport Revenue. Funds are available within the approved budget and the changes are approximately five-percent of the original contract amount. The revised contract amount is \$137,635.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining its facilities so as to ascertain that they are in leasable condition.

The Law Department has approved the change order.

Motion--      Vice-Mayor Gray moved that the change order be approved and the necessary signatures authorized.  
--carried      Motion carried 5 to 0, (Fearey and Mayans absent).

## **CITY COUNCIL**

### **BOARD APPT.      BOARD APPOINTMENTS.**

Council Member Brewer      Council Member Brewer requested to appoint the following people to DAB I: Treatha Brown Foster, Gerald J. Domitrovic, Shane P. Dundas, Debra K. Miller Stevens, Steven D. Roberts, Inga Taylor, Shontina Tipton, James Thompson, Lavonta Williams and Janice Rich as an alternate.

Motion--carried      Vice-Mayor Gray moved to approve the appointments. Motion carried 5 to 0, (Fearey and Mayans absent).

### **TRAVEL EXPEND.      APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS BREWER AND FEAREY TO PARTICIPATE IN PRISONER REENTRY SITE VISIT IN ST. LOUIS, MISSOURI, JUNE 21-22, 2006.**

Motion--carried      Vice-Mayor Gray moved to approve the expenditures. Motion carried 5 to 0, (Fearey and Mayans absent).

## **RECESS**

Motion--      Vice-Mayor Gray moved that the City Council recess into Executive Session at 10:15 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice and contract negotiations and that the Council return from Executive Session no earlier than 11:15 a.m. and reconvene in the City Hall Council Chambers on the first floor of City Hall. Motion carried 5 to 0, (Fearey and Mayans absent).  
--carried

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## RECONVENE

The City Council reconvened in the City Council Chambers at 11:26 a.m.

## Motion--carried

Vice-Mayor Gray moved to adjourn the Executive Session. Motion carried 5 to 0, (Fearey and Mayans absent).

## Motion--

Vice-Mayor Gray moved to reconvene the regular meeting at 11: 27 a.m. to consider item 10e. Consent Agreement between the City of Wichita, the Boys and Girls Club of South Central Kansas, Inc. and Intrust Bank. (District I). Motion carried 5 to 0, (Fearey and Mayans absent).

--carried

## (Item 10e)

## BOYS/GIRLS CLUB

### CONSENT AGREEMENT BETWEEN THE CITY OF WICHITA, THE BOYS AND GIRLS CLUB OF SOUTH CENTRAL KANSAS, INC. AND INTRUST BANK (DISTRICT I)

Agenda Item No. 10e.

On June 21, 2005, the City Council approved leasing a portion of the former Heartspring site at 2400 North Jardine to the Boys and Girls Club of South Central Kansas ("Boys and Girls Club"). The Boys and Girls Club plans to build a facility to replace their existing facility at 21st Street North and Grove. The facility will provide a wide variety of services and programs for at risk youth. The Boys and Girls Club is currently securing funding for the project.

Much of the funding that the Boys and Girls Club has raised for the project consists of donations that will be paid over several years. To allow timely construction of the facility, the Boys and Girls Club is seeking financing from INTRUST Bank, N.A. ("INTRUST") in anticipation of the donor pledges expected to be collected. INTRUST requires security for the proposed loan, in the form of a leasehold mortgage on the Boy's and Girls Club's interest in the project. The lease between the City and the Boys and Girls Club prohibits such a mortgage without the City's consent, and also provides that if the proposed facility ceases to be used for the purposes discussed in the lease, the land and the improvements will revert to the City. These lease terms preclude INTRUST from securing the loan to the Boys and Girls Club with the facility, unless the City is willing to sign a consent agreement to allow the leasehold mortgage and provide INTRUST with protection against reversion of the building to the City. A consent agreement has been drafted between the City, the Boys and Girls Club and INTRUST whereby the City's right to terminate the leasehold and take the building will be subordinated to Intrust's interest. This means that instead of being able to take back the property, including the building, if the youth facility use were discontinued, the City would have to let INTRUST market the remaining term of the leasehold to a buyer that would use the property for the type of recreational youth facility contemplated by the lease. The consent agreement also contemplates that after three years of unsuccessful marketing attempts, the City would reasonably consider approving a sale of the leasehold to a buyer with a different use, so long as such use is still consistent with the existing platting and the surrounding uses in the Planned Unit Development. At the time of any sale of the leasehold interest by INTRUST, sale proceeds allocable to the land would be paid to the City, and proceeds allocable to the buildings financed by INTRUST would be paid to

INTRUST to the extent necessary to fully satisfy its mortgage, with any excess proceeds going to the City.

There is no immediate financial impact associated with approving the consent agreement.

Support a dynamic core area and vibrant neighborhoods. The proposed facility will increase neighborhood vibrancy by providing multiple services for all youth in the area.

The Law Department has approved the consent agreement as to form.

## Motion--

--carried

Brewer moved that the agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Mayans absent).

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Motion--carried

Vice-Mayor Gray moved to close the regular meeting. Motion carried 5 to 0, (Fearey and Mayans absent).

## ADJOURNMENT

The City Council meeting adjourned at 11:28 a.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*